

AMENDED IN SENATE JANUARY 6, 2014

**SENATE BILL**

**No. 575**

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**Introduced by Senator Yee**

February 22, 2013

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An act to add Section 1110 to the Evidence Code, relating to ~~foster care~~ evidence.

LEGISLATIVE COUNSEL'S DIGEST

SB 575, as amended, Yee. ~~Foster care trust funds: general obligation bonds.~~ Evidence: admissibility.

*Existing law provides that a person who is under 18 years of age and who commits a crime is within the jurisdiction of the juvenile court and may be adjudicated a ward of the court, except as specified. Existing law requires the prosecuting attorney to offer proof beyond a reasonable doubt to support a finding that a minor is a ward of the court. The admission and exclusion of evidence in juvenile court is pursuant to the rules of evidence established by the Evidence Code and by judicial decision.*

*Existing law permits in criminal actions the admission of expert testimony regarding intimate partner battering and its effects, including testimony on the nature and effect of physical, emotional, or mental abuse on the beliefs, perceptions, or behavior of victims of domestic violence.*

*This bill would provide that in a juvenile court hearing or in a criminal proceeding against a minor, expert testimony is admissible regarding the condition of the mind of the minor at the time of the offense, including the nature and effect of physical, emotional, or mental abuse on the beliefs, perceptions, or behavior of victims of child abuse and neglect, as defined, except as specified.*

~~Existing law provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement. Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which, pursuant to a combination of federal, state, and county funds, aid on behalf of eligible children is paid to foster care providers.~~

~~This bill would declare the intent of the Legislature to subsequently amend this bill to include provisions that would seek approval of the voters for the issuance of general obligation bonds to provide revenue for the establishment of an individual trust fund account for each foster child to provide funds necessary to pay the costs of care and related costs until the child reaches 26 years of age.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 1110 is added to the Evidence Code, to*
- 2     *read:*
- 3     *1110. (a) In a juvenile court hearing that is based upon a*
- 4     *petition that alleges that the minor upon whose behalf the petition*
- 5     *is being brought is a person within the description of Section 602*
- 6     *of the Welfare and Institutions Code, or in a criminal proceeding*
- 7     *against a minor, expert testimony is admissible by either the*
- 8     *prosecution or the defense regarding the condition of the mind of*
- 9     *the minor at the time of the offense, including testimony on the*
- 10    *nature and effect of physical, emotional, or mental abuse on the*
- 11    *beliefs, perceptions, or behavior of victims of child abuse and*
- 12    *neglect, except when offered against the minor to prove the*
- 13    *occurrence of the act or acts of abuse that form the basis of the*
- 14    *adjudication.*
- 15    *(b) The foundation shall be sufficient for admission of this expert*
- 16    *testimony if the proponent of the evidence establishes its relevancy*
- 17    *and the proper qualifications of the expert witness. Expert opinion*
- 18    *testimony on child abuse and neglect and its effects shall not be*
- 19    *considered a new scientific technique whose reliability is unproven.*
- 20    *(c) For purposes of this section, "child abuse and neglect" is*
- 21    *defined in Section 11165.6 of the Penal Code, and may include*
- 22    *acts described in Section 300 of the Welfare and Institutions Code.*

1     (d) *This section shall be known and may be cited as the Expert*  
2     *Witness Testimony on Child Abuse and Neglect and Its Effects*  
3     *Section of the Evidence Code.*

4     ~~SECTION 1. It is the intent of the Legislature to subsequently~~  
5     ~~amend this measure to include provisions that would seek approval~~  
6     ~~of the voters for the issuance of general obligation bonds to provide~~  
7     ~~revenue for the establishment of an individual trust fund account~~  
8     ~~for each foster child to provide funds necessary to pay the costs~~  
9     ~~of care and related costs until the child reaches 26 years of age.~~